

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

WRITTEN OPINION
(PCT Rule 66)

To:

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Date of mailing
(day/month/year)

15.01.2004

Applicant's or agent's file reference

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REPLY DUE

within 3 month(s)
from the above date of mailing

International application No.
PCT/MX 03/00025

International filing date (day/month/year)
07.03.2003

Priority date (day/month/year)
08.03.2002

International Patent Classification (IPC) or both national classification and IPC
B29B17/00

Applicant

GONZALES SALAZAR, Jose Luis et al.

1. This written opinion is the **first** drawn up by this International Preliminary Examining Authority.
2. This opinion contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☐ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application
3. The applicant is hereby **invited to reply** to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also: For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.
For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.
4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 08.07.2004

Name and mailing address of the international preliminary examining authority:



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Kofoed, J

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I. Basis of the opinion

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*):

Description, Pages

1-11 as originally filed

Claims, Numbers

1-4 as originally filed

Drawings, Sheets

1/1 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

5. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

6. Additional observations, if necessary:

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been and will not be examined in respect of:

☐ the entire international application,

☒ claims Nos. 1-4

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (specify):

☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 1-4 are so unclear that no meaningful opinion could be formed (*specify*):

see separate sheet

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

☐ no international search report has been established for the said claims Nos.

2. A written opinion cannot be drawn due to the failure of the nucleotide and/or amino acid sequence listing to comply with the Standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the Standard.

☐ the computer readable form has not been furnished or does not comply with the Standard.

Section III:

Non establishment of opinion with regard to novelty, inventive step and industrial applicability

- 1). The Independent claims 1 and 2 include a number of full stops " ." at various locations. However, the use of the full stop sign "." in normal patent claims indicates the end of a claim. Therefore, claims 1 and 2 are not fully clear.

Furthermore, a number of terms in claims 1 and 2 are not fully clear.

Claims 1 and 2 relate to recycling of **inorganic** trash. The description and also the claims define inorganic trash to include (trash) plastics. However, following generally known definitions of chemistry, plastics are considered to be **organic** substances based on Hydrogen and Carbon based molecules.

The claims and the description contain the word "camera" at various central occasions. Normally a camera is used to make photographs. In the present context, it appears that "camera" is intended to mean a chamber.

It appears that the word "reivindication" used extensively in the application should be "claim".

It must be concluded, that the claims are so unclear, that no full examination is possible at present.

- 2). The following comments can be made to novelty and inventive step at present.

It would appear that the central element of the application is the use of a heated cone shaped chamber to melt plastic trash under pressure to obtain a mouldable compound. See also the present description page 4, line 13.

However, the use of a heated cone shaped chamber to melt plastic trash to obtain a mouldable compound is fully described in WO92/08590, see e.g. figure 1 and the claims.

It is also known to press a scrap plastic material through a melting chamber with a

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SEPARATE SHEET**

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hydraulic piston, see e.g. the abstract of WO02/38276.

Therefore, it appears the claims 1-4, as far as understandable at present, involve no inventive step.

- 3). Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents of the search report is not mentioned in the description.